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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,265	09/15/2000	Asif Dawoodi Gandhi	7-16-10-14-33	3816

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EXAMINER	
APPIAH, CHARLES NANA	
ART UNIT	**PAPER NUMBER**
2682	

DATE MAILED: 10/09/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/663,265	GANDHI ET AL.	
	Examiner	Art Unit	
	Charles Appiah	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 July 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *7 and 9-12* is/are allowed.

6)☒ Claim(s) *1-6,8 and 13-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Applicants' must provide the application number of the U.S. Patent Application being referenced on page 2 under "DETAILED DESCRIPTION" of the specification.

Appropriate correction is required.

Response to Arguments

2. Applicant's arguments with respect to claims 1-6, 8 and 13-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by **I et al. (5,734,646).**

Regarding claim 1, I discloses a method for determining when a request for higher transmission rate should be granted to a mobile station that has access to a communication system comprising the steps of: calculating a first indicator using a second indicator for all active connections (mobile periodically measures the pilot strength on its neighbor list, col. 6, lines 60-64, mobile providing pilot strength measurements with the access request, col. 7, lines 32-51 and col. 12, lines 6-12),

establishing a blocking threshold (host's load condition being too close to a predetermined load level, col. 8, lines 35-49), deciding whether to grant or deny the mobile station access to use the requested higher transmission rate based on the first indicator relative to the blocking threshold (steps 600, 601, 607, 607, 609 and 605 of Fig. 6, col. 8, line 50 to col. 9, line 12).

Regarding claim 2, I further teach wherein the first and second indicators contain current loading and interference values (see col. 5, lines 3-37, col. 6, lines 45-59 and col. 8, lines 35-63).

Regarding claim 3, I meets wherein the first and second indicators also contain changes in loading and interference values due to connections being dropped or added prior to burst start time (inherent feature of load and interference situation being time varying, col. 9, lines 4-13).

Regarding claim 4, I shows wherein the deciding step comprises denying access at the requested higher transmission rate to the mobile station when the first indicator exceeds the blocking threshold value to avoid degradation of performance of the wireless communication system (mobile sent a retry command if the host's load condition is too close to the predetermined load level, col. 8, lines 35-41).

Regarding claim 6, I further shows wherein the deciding step comprises granting access to the mobile station to use the requested higher transmission rate when the first indicator is less than or equal to the blocking threshold (see steps 601 through 607, 609 and 605).

Regarding claim 8, I's step 600, Fig. 6, in which the host's load condition is compared to a predetermined load level (see col. 8, lines 35-40) meets the step of establishing a threshold which inherently reads on the established threshold being defined by a maximum blocking threshold wherein the maximum blocking threshold is set at a value which will prevent overloading of the communication system, since the data burst request is never granted when the host cell load condition is not OK.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over **I et al** as applied to claims 1, 3 and 8 above, and further in view of **Salonaho et al. (6,317,600).**

Regarding claim 5, I fails to explicitly teach wherein the deciding step grants the mobile station access to use a transmission rate that is lower than the requested rate when access at the requested rate is denied.

Salonaho discloses a method for load control in a radio communication system which include the feature of denying access for new connections as well as reducing cell load by decreasing data transmission rate when a cell load substantially exceeds a threshold value (see col. 6, lines 1-35), suggesting the capability of granting access to the use of a transmission rate that is lower than a requested rate when access at a requested rate is denied.

It would therefore have been obvious to one of ordinary skill in the art to provide for the granting of a lower transmission rate to a requesting user in the system of I in order to control system loading and maintain good quality communications as taught by Salonaho.

Regarding claim 13, I fails to teach wherein the maximum blocking threshold is constant for different estimate loading values.

Salonaho shows a variable threshold load value as the data transmission rate varies with the load (see col. 6, lines 26-34) suggesting different thresholds for different load values.

It would therefore have been obvious to one of ordinary skill in the art to provide for the use of variable threshold for different load values to the system of I in order to provide a dynamic optimal load control to improve connection quality while enabling desired transmission data rates.

7. Claims 14, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over **I et al** as applied to claim 8 above, and further in view of **Kotzin et al. (5,796,722).**

Regarding claims 14-16, I fails to teach wherein the maximum blocking loading decreases in steps or uniformly as the loading increases.

Kotzin discloses a method for dynamic load balancing in a multi-carrier wireless communication system using handoff (see col. 3, lines 16-54). According to Kotzin, a fixed threshold value may used or alternatively the threshold may be variable depending on the system configuration and that, in communication systems, where there are periods of heavy call traffic, it may prove beneficial to use a variable threshold

that would accommodate more subscribers at an albeit lower grade of service (see col. 4, lines 21-64).

It would therefore have been obvious to one of ordinary skill in the art to combine the above teaching of Kotzin by providing a variable threshold that varies as desired in the system of I in order to account for the dynamic nature of users including accommodating more users or subscribers at lower service grades as taught by Kotzin.

Allowable Subject Matter

8. Claims 7 and 9-12 allowed.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Elwalid (5,646,943) discloses an integrated method for congestion control using admission information from a communication device into a network.

Li et al. (6,459,902) discloses a system and method for selectively blocking or dropping calls in a telecommunications network.

Flemming et al. (5,666,356) discloses a method for blocking call attempts in a CDMA communication system.

Gardner et al. (5,857,147) discloses a method for controlling the data rates for communications base usage of communications resource.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Appiah whose telephone number is 703 305-4772. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703 305-6739. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 306-0377.

CA
October 1, 2003

CHARLES APPIAH
PRIMARY EXAMINER